

**INDUSTRIAL HEMP RESEARCH**  
**GROWER AND PROCESSOR REGISTRATION GUIDE**  
JULY 2018

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**Individuals who are currently licensed to grow industrial hemp and who partnered with a university before July 1, 2018**

Your license is equivalent to an Industrial Hemp Grower Registration and authorizes you to grow hemp as part of the higher education industrial hemp research program that you listed on your Industrial Hemp Grower License application. When your license expires, you will need to apply for an Industrial Hemp Grower Registration if you intend to continue to grow hemp as part of a higher education industrial hemp research program.

If you would like to grow hemp as part of the VDACS-led industrial hemp research program, you will need to apply for a separate Industrial Hemp Grower Registration.

**Grower registration**

“Grower” means any person registered pursuant to subsection A of Va. Code § 3.2-4115 to plant, cultivate, or harvest industrial hemp.

An individual applying for a grower registration must own the land that he plans to use as a production field or must have authority to consent to entry on the land that he plans to use as a production field.

If you plan to participate as a grower in the VDACS-led industrial hemp research program, you should complete the application labeled “OPPR-200.”

If you plan to participate as a grower in research conducted by an institution of higher education, you should complete the application labeled “OPPR-201.”

If you plan to participate as a grower in both the VDACS-led industrial hemp research program and research conducted by an institution of higher education, you should complete both application forms.

Mail the completed form(s) and a \$50 application fee for each application form you submit (check made payable to the Treasurer of Virginia) to:

VDACS  
P.O. Box 526  
Richmond, VA 23218

**Processor registration**

“Processor” means any person registered pursuant to subsection A of Va. Code § 3.2-4115 to convert industrial hemp into a marketable form.

**PLEASE NOTE:** VDACS is not engaging in research regarding the marketing of any hemp extract containing cannabidiol (CBD) or hemp-derived CBD oil at this time. As such, VDACS is not issuing a processor registration to any person planning to market a hemp extract containing CBD or hemp-derived CBD oil to a person who is not registered to participate in a hemp

research program in Virginia. VDACS is currently seeking guidance regarding its ability to engage in market research of hemp extracts containing CBD and to issue a registration to a person interested in such market research.

If you plan to participate as a processor in the VDACS-led industrial hemp research program, you should complete the application labeled “OPPR-300.”

If you plan to participate as a processor in research conducted by an institution of higher education, you should complete the application labeled “OPPR-301.”

If you plan to participate as a processor in both the VDACS-led industrial hemp research program and research conducted by an institution of higher education, you should complete both application forms.

Mail the completed form(s) and a \$50 application fee for each application form you submit (check made payable to the Treasurer of Virginia) to:

VDACS  
P.O. Box 526  
Richmond, VA 23218

### **Agent**

The Virginia Industrial Hemp Law provides that it is lawful for a grower or his agent to grow or a processor or his agent to process industrial hemp in the Commonwealth for any lawful purpose and that no grower or his agent or processor or his agent shall be prosecuted under Va. Code § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the possession, growing, or processing of industrial hemp.

The Virginia Industrial Hemp Law does not define “agent.” You may wish to seek legal advice regarding defining who is your agent.

Although not required, you may wish to provide the “Agent Documentation” form to each person whom you intend to act as your agent for the limited purpose of growing or processing industrial hemp pursuant to the Virginia Industrial Hemp Law.

### **Obtaining planting seed or clones**

VDACS will not provide you with hemp planting seed or clones.

### **Domestic sources**

If you are purchasing hemp planting seed or clones from within Virginia, you must purchase from a Registered Grower or Processor.

The legality of hemp research program participants transferring hemp planting seeds or clones across state lines is uncertain. If you would like to obtain hemp planting seed or clones from another state for your research, VDACS encourages you to seek legal advice. If you elect to

obtain hemp planting seed or clones from another state for your research, doing so does not jeopardize your Industrial Hemp Grower Registration issued by VDACS. You may wish to ask your seed or clone supplier for documentation of the THC test results for any hemp variety you are planning to purchase.

#### **International sources**

You will need a Controlled Substance Registration from the U.S. Drug Enforcement Administration (DEA) in order to bring hemp planting seed into the United States.

VDACS has a DEA Controlled Substance Importer Registration and is able to assist (i) a principal investigator at an institution of higher education conducting hemp research who has obtained an Industrial Hemp Grower Registration or (ii) a Registered Industrial Hemp Processor with importing hemp planting seed. Please contact VDACS's Hemp Program Coordinator for more information.

#### **THC testing**

Section 3.2-4114.2 of the Industrial Hemp Law authorizes VDACS to conduct random THC testing; however, VDACS does not require pre-harvest testing. If VDACS selects your industrial hemp to sample and test, you will not be required to pay a laboratory testing fee.

If the Cannabis sativa sample collected from your production field or process site has a delta-9 THC concentration of more than 0.3 percent on a dry weight basis, the Commissioner will, pursuant to Va. Code § 3.2-4114.2, require you to destroy the Cannabis sativa at your cost in a manner approved of and verified by the Commissioner. Additionally, the Commissioner may, pursuant to Va. Code § 3.2-4114.2, advise the Superintendent of State Police of the chief law-enforcement officer of the appropriate county or city when a grower grows or a processor processes any Cannabis sativa with a THC concentration of more than 0.3 percent.

#### **VDACS-led industrial hemp research**

Any activity done in furtherance of your industrial hemp research, must comply with any applicable law, regulation, or local ordinance.

If you are a grower or processor participating in the VDACS-led industrial hemp research program, you must submit a report to the Commissioner regarding your growing or processing activities for the previous year by October 1. You may use the report template provided by VDACS on its website, but you are not required to use this template. Failure to submit this required report by October 1 may result in the suspension or revocation of your registration or the denial of your registration renewal application.

#### **Market research**

Your hemp product and sale thereof must comply with any relevant federal or state law (i.e. food laws, animal feed laws, animal remedy laws).

The following hemp products can be sold, as part of your market research, to anyone in Virginia (the purchaser is not required to have a Virginia Industrial Hemp Grower or Processor Registration):

- Mature stalks
- Fiber produced from mature stalks
- Seed oil or seed cake
- Any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalk, fiber, oil, or cake (except an extract containing CBD)
- Sterilized seed that is incapable of germination

The following hemp products can be sold in Virginia, as part of your market research, only to an individual who has a Virginia Industrial Hemp Grower or Processor Registration:

- Planting seeds or clones
- Flowers or buds
- Leaf material/micro greens

The legality of hemp research program participants transferring or selling hemp planting seeds or clones, flowers or buds, or leaf material or micro greens across state lines is uncertain. If you would like to transfer or sell any of these materials to someone in another state for your research, VDACS encourages you to seek legal advice. However, doing so does not jeopardize your Industrial Hemp Grower Registration issued by VDACS.

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